D.B. HABEAS CORPUS PETITION NO.5482/2006
(Sugna Devi Vs. State & Ors.)

Date of Order: 02.11.2006

HON'BLE MR.JUSTICE N.N.MATHUR
HON'BLE MR.JUSTICE MANAK MOHTA

Mr.Sandeep Mehta, for the petitioner

Mr.S.K.Vyas, Government Advocate

By way of instant petition, the petitioner Smt.Sugna Devi seeks direction for the production of her son namely Lalit. It is averred that she was married to one Karna Ram and from the said wed-lock she gave birth to a male child on 18.12.1991. Karna Ram died while in service. On his death she got appointment on compassionate ground. On 17.1.1999 she performed second marriage with one Amar Chand. Her child Lalit Kumar also lived with her and the second husband namely Amar Chand. However, her mother-in-law respondent No.3 namely Smt.Lehri Devi on certain pretext took Lalit with her. She has not been allowed to meet Lalit. She wants custody of Lalit.

Pursuant to the order of this Court Lalit was produced before us on 16.10.2006. He is studying in 9th Standard. He has expressed his desire to stay with the grand mother.

In view of the fact that Lalit is staying with her grand-mother without any objection, it cannot be said that he is in unlawful detention. Thus, the instant

habeas corpus petition is not maintainable.

The petition stands dismissed without prejudice to the right of the petitioner for the custody of the child before the appropriate authority under the relevant law.

(MANAK MOHTA) J. **(N.N.MATHUR), J.**

BKS/-